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09/778,108	02/07/2001	Aaron Demello	44117-118	4451

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EXAMINER
NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 06/03/2004 $l\,0$

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)
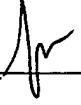
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02/07/2001_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-39_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-39_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _11 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All   b)☐ Some * c)☐ None of:
　　　　1.☒ Certified copies of the priority documents have been received.
　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _9_.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Detail Action

1.   This Office Action is in response to the Application filed on 02/07/2001. Claims

1-39 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Owensby (US 6,647,257), in view of Pettovello (US 6,449,621).

4.   **As to claim 1**, Owensby teaches a system and method for providing targeted

message based on wireless mobile location at the time of the wireless mobile

communication, comprising:

        obtaining data *(Wireless Mobile Location Data, Subscriber Identification Code,*

Call Identification Code, and Date and Time data of the initiated communication) related

to said wireless transceiver (Owensby, C4:L44 - C5:L46 and C18: L33-40).

However, Owensby does not explicitly teach the steps of substituting the unique

identifier *(Subscriber Identification Code)* with an anonymous identifier and creating a

record of said data associated with said anonymous identifier.

In the related art, Pettovello teaches a privacy data escrow system and method,

wherein an escrow agent 16 creates a universal anonymous identifier *(an anonymous*

identifier) for substituting a scrambled person identifier *(the unique identifier)* and once

substituted, all data belonging to a person stored in the database 20 are identified by or

associated with the same unique universal anonymous identifier *(i.e., creating a record*

of said data associated with said anonymous identifier) (Pettovello, C3:L60 - C4:L8).

Therefore, it would have been obvious to one having ordinary skills in the art at

the time the invention was made to combine the teachings of Owensby and Pettovello

to include the steps of substituting the unique identifier *(Subscriber Identification Code)*

with an anonymous identifier and creating a record of said data associated with said

anonymous identifier, since such methods were conventionally employed in the art to

maintain/protect the confidentiality of privacy, personal identification data such as name,

address, email, telephone numbers, personal financial/demographic data of the user by

generating an anonymous identifier to substitute for the user unique identifier.

5.   **As to claims 2-3**, Owensby-Pettovello teaches the method of claim 1, further

includes the step of associating said anonymous identifier with an anonymous profile

(i.e., by assimilating the Wireless Mobile Location Data with the Subscriber Profile Data

and/or the Historical Response Data 28 pertaining to the subscriber, the invention

permits messages, and in particular commercial information and advertisements, to be

targeted to as broad or narrow a range of subscribers as desired by the sponsor of the

message) associated with each wireless transceiver obtained from external source

(Owensby, C5: L47-67).

6.   **As to claim 4**, Owensby-Pettovello teaches the method of claim 1, wherein the

step of obtaining is performed passively (Owensby, C12: L4-37 and C18: L33-40).

7.   **As to claim 5**, Owensby-Pettovello teaches the method of claim 1, wherein said

data is generated by communication between wireless communications network and

said wireless transceivers (Owensby, C12: L4-37).

8.   **As to claim 6**, Owensby-Pettovello teaches the method of claim 1, further

comprises the step of analyzing received data to retrieve information related to said

wireless transceiver including location positioning, time and network events *(i.e., when*

the call is initiated or received, the Wireless Mobile Location Data determines the real-

time, physical location of the wireless mobile terminal within the operator's wireless

network service) (Owensby, C12: L4-37).

9.   **As to claims 7-8**, Owensby-Pettovello teaches the method of claim 6, wherein

said location positioning is defined by said wireless transceiver positioning in wireless

network using cell ID *(i.e., the Wireless Mobile Location Data determines the wireless*

mobile location of the subscriber within a predetermined cell, or within a predetermined
sector of a given cell, of the operator's network), or latitude/longitude of said wireless
transceiver *(i.e., geo-positioning via GPS communications relay satellite)* through the
wireless communications network (Owensby, C12: L4-37).

10.   **As to claims 9-10**, Owensby-Pettovello teaches the method of claim 6, wherein
said time comprises the time of said location positioning and network event which
comprises network data triggered by the communications between said wireless
transceivers and said wireless communications network *(i.e., when the call is initiated or*
received, the Wireless Mobile Location Data determines the real-time, physical location
of the wireless mobile terminal within the operator's wireless network service)
(Owensby, C12: L4-37 and C18: L33-40).

11.   **As to claim 11**, Owensby-Pettovello teaches the method of claim 1, further
comprises analyzing received data to retrieve at least one unique identifier from a group
of wireless transceiver identifiers including MIN, MDN, MSISDN, Mobile IP and ESN
(Owensby, C1: L59-67, C2: L1-10 and C15: L32-43).

12.   **As to claim 12**, Owensby-Pettovello teaches the method of claim 1, further
includes converting said at least one unique identifier into an anonymous identifier that
has a low correlation with one or more of said set of wireless transceiver identifiers or a
combination thereof (Pettovello, C3: L60-67 and C4: L1-8).

13.   **As to claim 13**, Owensby-Pettovello teaches the method of claim 1, wherein said

step of creating comprises placing said data associated with said anonymous identifier

into a database *(all data belonging to a person are identified or associated with the*

same unique universal anonymous identifier stored in database 20) (Pettovello, C3:

L60-67 and C4: L1-8).

14.   **As to claim 14**, Owensby-Pettovello teaches a method for delivering targeted

data to a wireless transceiver comprising the steps of:

obtaining information *(extracting the call signal and the Wireless Mobile Location*

Data from the wireless mobile communication) regarding the location positioning of said

wireless transceiver (Owensby, C11: L42-43);

creating an anonymous profile comprising information related to said wireless

transceiver *(all data belonging to a person are identified or associated with the same*

unique universal anonymous identifier stored in database 20) (Pettovello, C3: L60-67

and C4: L1-8);

matching a group comprising at least one anonymous profile with said targeted

data (Owensby, C11: L45-49); and

delivering said targeted data to said wireless transceiver corresponding to said

group (Owensby, C11: L49-50).

15.   **As to claim 15**, Owensby-Pettovello teaches the method of claim 14, wherein

the step of delivering comprises converting anonymous identifiers of said group into

corresponding unique identifiers corresponding to said wireless transceivers in said

wireless network *(escrow 16 is required to safeguard the linking and mapping from the*

universal anonymous identifier to the unique person identifier) (Pettovello, C4: L8-15).

16. **As to claim 16**, Owensby-Pettovello teaches the method of claim 14, wherein

the step of creating includes generating an anonymous identifier *(i.e., generating an*

universal anonymous identifier) (Pettovello, C3: L60-67).

17. **As to claims 17-19**, Owensby-Pettovello teaches the method of claim 14,

wherein said step of creating includes associating said anonymous identifier with

current and historical location positioning of corresponding said wireless transceiver and

time of said current and historical location positioning *(the Wireless Mobile Location*

Data and the Date and Time Data components collected from the wireless transceiver

may be utilized to develop the Historical Response Data for use in targeting future

advertisements based on the responses made to the advertisements previously

provided to the subscriber) (Owensby, C19: L39-52).

18. **As to claims 20-21**, Owensby-Pettovello teaches the method of claim 14,

wherein said step of creating includes associating said anonymous identifier with user

habit data and user preference data *(associating with the Subscriber Profile Data*

comprising the demographic and personal preference data pertaining to the subscriber

and the Historical Response Data comprising the record of the targeted messages

previously provided to the subscriber and the responses made to the targeted

messages, as well as a record of the geographical location of the subscriber at the time

the message was provided to the subscriber) (Owensby, C17: L55-65).

19. **As to claim 22**, Owensby-Pettovello teaches the method of claim 20, wherein

said user preference data is obtained through questionnaires, surveys, or inferences or

a combination thereof *(the Subscriber Profile Data is collected from the subscriber at*

the time the subscriber registers with the operator of the wireless mobile

communications service) (Owensby, C15: L47-63).

20. **As to claims 23-26**, Owensby-Pettovello teaches the method of claim 14,

wherein said step of matching includes the steps of obtaining triggers such as time,

location positioning, or profile data, associated with said data *(i.e., the Ad Selection*

Code is generated, manipulated to select an appropriate advertisement for the

subscriber based on the geographical location, the demographics and preferences of

the subscriber, the advertisements previously provided to the subscriber and the date

and time of the call) (Owensby, C18: L2-10).

21. **As to claims 27-29**, Owensby-Pettovello teaches the method of claim 14,

wherein the step of delivery comprises making said data available for processing *(i.e.,*

once generated, the Ad Selection Code is forwarded to the Call Routing Generator),

transmitting said data to said wireless transceiver, and alerting said user of said

wireless transceiver *(the subscriber will be warned that an advertisement insertion is pending)* (Owensby, C19: L39-56 and C21: L63-67).

22. **Claims 30-39** are corresponding system claims of method claims 14-29; therefore, they are rejected under the same rationale.

23. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

24. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER